

REMARKS

Claims 1 through 38 are now pending in the application. Claims 1, 12, 29, 30 and 33 through 38 have been amended. Bases for the amendments can be found throughout the application, claims and drawings as originally filed and as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INFORMATION DISCLOSURE STATEMENT

The Examiner has noted that the Information Disclosure Statement filed July 30, 2003 has not been considered because a copies of various documents, including foreign patent documents and non-patent literature, had not been provided.

As noted in the IDS, any patents, publications or other information listed on Form 1449 which were not enclosed with the IDS were previously cited by or submitted to the PTO in an earlier filed application which has been relied upon for priority. Accordingly, Applicant respectfully requests that all references cited in the aforementioned Information Disclosure Statement be considered.

CLAIM OBJECTIONS

The Examiner has objected to Claims 32 (second) through 37, noting that these claims should be renumbered as Claims 33 through 38. Applicant has amended the claims in the manner suggested by the Examiner and as such, Applicant submits that the objection has been rendered moot.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claims 1 through 25 and 27 through 37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,375,437 to Nolan. Claim 26 stands rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,375,437 to Nolan. These rejections are respectfully rendered moot.

Applicant initially notes that the '437 patent to Nolan discloses an air compressor arrangement with a pair of handles (68, 92). The '437 patent states that

[t]he provision of separate upper and lower handle grips 68 and 92 renders the assembly 10 capable of two lifting modes. One mode of lifting the assembly 10 is by a single person grasping each handle grip 68, 92 with a different hand. A second mode is by two persons each grasping a different handle grip 68 or 92 by one hand.

Applicant notes that the air compressor of the Nolan reference does not have a hand-carried transport position that is transverse to its operating position. Furthermore, the Nolan reference clearly describes the air compressor of the '437 patent as being carried by two hands. Accordingly, Applicant respectfully submits that the '437 patent to Nolan does not teach or suggest each and every claim limitation of Claims 1, 12 and 29.

Applicant notes that Claims 2 through 11 depend from Claim 1 and as such, should be allowable for the reasons set forth for Claim 1, above.

Applicant notes that Claims 13 through 28 depend from Claim 12 and as such, should be allowable for the reasons set forth for Claim 12, above.

Applicant notes that Claims 30 through 37 depend from Claim 29 and as such, should be allowable for the reasons set forth for Claim 29, above.

Additional bases for the allowance of several dependent claims is provided below:

Claim 2 recites that the handle is positioned in a vertical plane when the air compressor is positioned in the transport position and that the vertical plane extends through the center of gravity of the air compressor. The air compressor of the Nolan reference discloses two handles and the reference itself does not disclose the location of the center of gravity relative to the handles. Applicant submits that the center of gravity of the Nolan air compressor is not located vertically in line with either handle when the air compressor is transported in the manner described in the '437 patent but rather that it is disposed between the two handles. Accordingly, Applicant submits that the Nolan reference does not teach or suggest Claim 2.

Applicant notes that Claims 3 through 5 depend from Claim 2 and as such, they should additionally be in condition for allowance for the reasons set forth for Claim 2.

Applicant notes that Claim 14 includes limitations that are similar to those found in Claim 2. Accordingly, Applicant submits that Claim 14 is in condition for allowance for the additional reasons set forth for Claim 2, above.

Applicant notes that Claims 15 through 17 depend from Claim 14 and as such, they should additionally be in condition for allowance for the reasons set forth for Claim 14.

Applicant notes that Claim 32 includes limitations that are similar to those found in Claim 2. Accordingly, Applicant submits that Claim 32 is in condition for allowance for the additional reasons set forth for Claim 2, above.

Applicant notes that Claim 33 depends from Claim 32 and as such, it should additionally be in condition for allowance for the reasons set forth for Claim 32.

ALLOWABLE SUBJECT MATTER

The Examiner has stated that Claim 38 would be allowable if rewritten in independent form. Accordingly, Applicant has amended Claim 38 to include the limitations of the base claim and any intervening claims. Therefore, Claim 38 should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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